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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,950	01/16/2004	Chyn Huei Chen		8194

7590

08/18/2005

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EXAMINER

SHAKERI, HADI

ART UNIT PAPER NUMBER

3723

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/759,950

Applicant(s)

CHEN, CHYN HUEI

Examiner

Hadi Shakeri

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites a pawl "pivotally" mounted in a respective one of the receiving recesses in lines 9 and 10. Specification as originally filed describes the pawl to be pivotally mounted (pages 3, line 1 and 6, line 3) in the recesses. However, drawings, e.g. Figs. 2, 4, 8, 10, 11...clearly disclose a pawl (30) that is "slidably" mounted in the recess (12). In fact it even "slips" when ratcheting (e.g., page 8, line 16), and there is no room within the recess (12) as disclosed by the drawings to enable a pivoting pawl. Applicant is requested to either point out the support for a "pivoting" pawl or to amend the specification and the claim to a sliding pawl. New matter rejection will not be applied since drawings support a sliding pawl.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

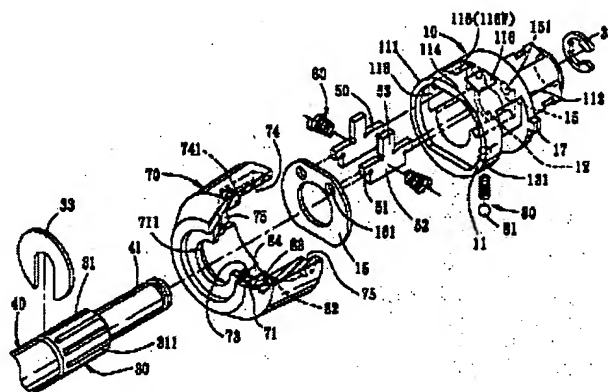
**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7, 10-15 (as best understood) are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shiao (6,58,970).

Shiao discloses all of the limitations of claim 1, i.e., a screwdriver comprising a body (10), a ratchet wheel (40), two pawls (50), two elastic members (60), a cover (70) and a catch plate (16),



wherein the body includes receiving hole and recesses accommodating the pawls and a positioning slit (131), ratchet wheel having annular toothed portion (311), pawl having toothed portion (52) and a driven block (53), elastic member urging a side of the pawl and a respective recess, the cover rotatably mounted on the body with a closed end formed with depression formed with a protruding urging block (the portion of the body minus the recess 74 protruding relative to the recess 74 towards the rotating axis) having first and second ends (741) pressing against the block and wherein the catch plate (16) is mounted in the positioning slit (131), however in the alternative, it would have been obvious to one of ordinary skill in the art to replace the recess with a protrusion (towards the handle) to urge the pawls, as this mechanism is known in the art, as an alternative means for ease of construction and/or assembly.

Regarding claims 2-15, Shiao meets the limitations, e.g., fixing blocks defined in the second end of body accepting clip 33; snap ring (33) secured in an annular groove; body with a

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receiving bore accommodating an elastic member and a positioning ball (80) urging against a positioning recess of the cover.

6. Claims 6, 8, 9, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiao.

Shiao meets all of the limitations of claims 6 and 9, except for disclosing an elongated slot communicating with the polygonal recess in the first end. Making the driving shaft of Shiao hollow to reduce the overall weight of the tool is a modification well within the knowledge of one of ordinary skill in the art.

Shiao meets all the limitations of claim 8, except for a locking portion on the second side of the pawl. Providing the pawl with a locking portion to firmly secure the pawl is a modification well within the knowledge of one of ordinary skill in the art.

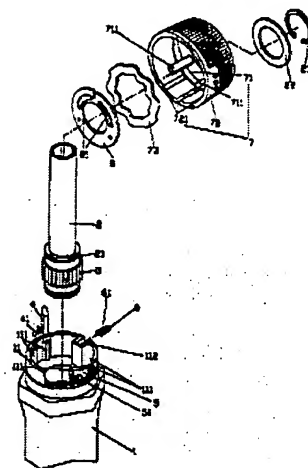
Shiao meets all the limitations of claim 16, except for the positions of the ratcheting positioning mechanism. It would have been obvious to one having ordinary skill in the art at the time the invention was made to place the receiving bore parallel to the axis and the recesses in the closed end of the cover, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikes*, 86 USPQ 70.

Regarding claim 18, Shiao discloses the claimed invention except for number of pawls. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use four pawls for a more secure and stronger engagement, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

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7. Claims 1-18 (as best understood) are rejected under 35 U.S.C. 103(a) as obvious over Hu (6,260,446).

Hu discloses all of the limitations of claim 1, i.e., a screwdriver comprising a body (11), a ratchet wheel (2), two pawls (4, 5), two elastic members (41, 51), a cover (7) and a catch plate (8), wherein the body includes receiving hole and recesses accommodating the pawls (defined by 111), ratchet wheel having annular toothed portion (3), pawl having toothed portion (engaging portion) and a driven block (side engaging 711), elastic member urging a side of the pawl and a respective recess, the cover rotatably mounted on the body with a closed end formed with depression formed with a protruding urging block (711) having first and second ends pressing against the block and wherein the catch plate (8) is mounted o sleeved into the body except for a positioning slit accommodating the dust cover or catch plate (8). Securing the dust plate within a groove/slit or screwed into a depression on the rim of body in firmly holding the plate would have been within the knowledge of one of ordinary skill in the art.



Regarding claims 2, 4-7, 9-15, and 17 Hu as modified above meets the limitations, e.g., ratchet wheel having a first end with a polygonal shape recess and hollow body, i.e., the socket (2); snap ring (23) secured in an annular groove; body with a receiving bore accommodating an elastic member and a positioning ball (80) urging against a positioning recess of the cover.

Regarding claims 8, 16 and 18, modified Hu further modified in view of location of parts, duplication of parts and providing the pawl with a locking portion to firmly secure the pawl as indicated above in section 6, meets all the limitations.

Shiao meets all the limitations of claim 8, except for a locking portion on the second side of the pawl. Providing the pawl with a locking portion to firmly secure the pawl is a modification well within the knowledge of one of ordinary skill in the art.

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**Conclusion**

8. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Shiao '873, Huang and Liu are cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', with a stylized flourish extending to the right.

Hadi Shakeri  
Primary Examiner  
Art Unit 3723  
August 16, 2005